

AMENDED IN ASSEMBLY APRIL 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2058**

---

**Introduced by Assembly Member Pan**

February 23, 2012

---

An act to add Section 22928.5 to the Business and Professions Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2058, as amended, Pan. Intermodal marine terminals.

Existing law imposes certain limitations on charges that may be imposed by intermodal marine terminals on intermodal motor carriers relative to transactions involving cargo shipped by intermodal transport.

This bill would require an intermodal marine terminal that imposes certain financial responsibility requirements on an intermodal motor carrier pursuant to the Uniform Intermodal Interchange and Facilities Access Agreement or ~~with respect to certain hazardous substances~~ *additional financial responsibility requirements* to post a notice to that effect at its gate and online, as specified. ~~The bill would prohibit the intermodal marine terminal from imposing other financial responsibility requirements except as may be required by federal law.~~

This bill would also prohibit an intermodal marine terminal from restricting access by intermodal motor carriers to its terminal under specified circumstances.

This bill would make legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares that intermodal motor carriers are subject to additional risks, and subject others to additional risks, when operating within an intermodal marine terminal as a result of the movement of intermodal marine equipment, the nature of intermodal marine terminal operations, and the diversity of hazardous cargoes handled at an intermodal marine terminal.

SEC. 2. Section 22928.5 is added to the Business and Professions Code, to read:

22928.5. (a) If an intermodal marine terminal requires an intermodal motor carrier to comply with the minimum financial responsibility requirements of the Uniform Intermodal Interchange and Facilities Access Agreement, or any other agreement that secures equipment interchanges rights of both an intermodal marine equipment provider and an intermodal motor carrier, in order to gain access to the terminal, then the terminal shall post a notice at its gate and online.

(b) ~~If oil, poison gas, explosives, hazardous waste, radioactive materials, or any other hazardous substances classified as commodities specified by the United States Department of Transportation in Section 387.9 of Title 49 of the Code of Federal Regulations are regularly stored, transported, or shipped at an intermodal marine terminal, then the terminal may require all~~ *requires* intermodal motor carriers to comply with the minimum financial responsibility requirements ~~for the commodities that are present in addition to those described in subdivision (a) in order to gain access to the terminal only after that, then the terminal has posted the required~~ *shall post a notice of any additional minimum financial responsibility requirements* at its gate and online. ~~If additional minimum financial responsibility requirements are required for terminal access because of the presence of a certain hazardous commodity, then those requirements may only be imposed in an amount that is identical to that which would be required for carriage of those hazardous substances identified in paragraph (1), (2), (3), or (4) of subdivision (a) of Section 34631.5 of the Vehicle Code.~~

(c) ~~Except as otherwise allowed by federal law, no minimum financial responsibility requirements for terminal access for an~~

1 intermodal motor carrier shall be adopted by an intermodal marine  
2 terminal other than those described in subdivisions (a) and (b):

3 (d)

4 (c) Nothing in this section, including the presence of any  
5 hazardous substances referenced in subdivision (b), shall be  
6 construed as requiring any intermodal marine terminal to require  
7 any intermodal motor carrier to provide additional minimum  
8 financial responsibility.

9 (e)

10 (d) An intermodal marine terminal operator shall not restrict  
11 access of an intermodal motor carrier to an intermodal marine  
12 terminal under any *either* of the following circumstances:

13 (1) The intermodal motor carrier is using the dispute resolution  
14 process contained in the Uniform Intermodal Interchange and  
15 Facilities Access Agreement to contest a charge, fee, or fine,  
16 including a charge for maintenance and repairs imposed by the  
17 intermodal marine terminal, as long as the dispute resolution  
18 process is ongoing.

19 (2) A specific vehicle or driver is unable to provide proof of  
20 compliance with minimum levels of financial responsibility,  
21 provided that the intermodal motor carrier is otherwise in  
22 compliance with subdivision (a) ~~or and, to the extent applicable,~~  
23 ~~subdivision (b), if applicable.~~

24 (3) ~~The failure of an intermodal motor carrier to comply with~~  
25 ~~the additional minimum financial responsibility requirement under~~  
26 ~~subdivision (b), if the intermodal marine terminal has failed to~~  
27 ~~post a notice, as required, for at least 60 days prior to~~  
28 ~~implementation of the requirement.~~

29 (f)

30 (e) An intermodal marine terminal may choose to end any  
31 additional minimum financial responsibility requirement at any  
32 time and for any reason. In that case, the intermodal marine  
33 terminal operator shall post a notice at its gate and online to that  
34 effect.

35 (g)

36 (f) For purposes of this section, “post a notice at its gate and  
37 online” means that written notification is posted at the terminal  
38 gate used by intermodal motor carriers and electronic notification

- 1 is posted on the terminal's Internet Web site and is accessible to
- 2 the public.

O